

## DECLARATION

O P E J C R 16  
JUN 05 2001  
PATENT & TRADEMARK OFFICE  
As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first, and joint inventors of the invention entitled "IMPROVED ASSAY FOR PROTEIN TYROSINE PHOSPHATASES," which is described and claimed in the specification and claims of Patent Application No. 09/788,626, which we filed in the United States Patent and Trademark Office on February 13, 2001, and for which a patent is sought; and that this application discloses and claims subject matter disclosed in our earlier-filed U.S. Provisional Application No. 60/181,769, filed February 14, 2000.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a).

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Andrew J. Flint.

Andrew J. Flint

Date 4-27-01  
Residence : City of Bothell, County of Snohomish  
State of Washington  
Citizenship : United States of America  
P.O. Address : 22925 49<sup>th</sup> Avenue S.E.  
Bothell, Washington 98021

Deborah E. Cool

Deborah E. Cool

Date April 30, 2001

Residence : City of Mill Creek, County of Snohomish  
State of Washington

Citizenship : Canada US

P.O. Address : 15806 26<sup>th</sup> Avenue S.E. 20528 76<sup>th</sup> Ave S.E.  
Mill Creek, Washington 98072 Snohomish WA 98296

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(200125.401)

## ASSIGNMENT

WHEREAS, we, Andrew J. Flint and Deborah E. Cool (hereinafter referred to as ASSIGNORS), having post office addresses of 22925 49<sup>th</sup> Avenue S.E., Bothell, Washington 98021, and 15806 26<sup>th</sup> Avenue S.E., Mill Creek, Washington 98072, respectively, are the listed inventors/applicants of the patent application entitled "IMPROVED ASSAY FOR PROTEIN TYROSINE PHOSPHATASES," as filed with the U.S. Patent and Trademark Office on February 13, 2001, and assigned Application No. 09/788,626, and that this application discloses and claims subject matter disclosed in our earlier-filed U.S. Provisional Application No. 60/181,769, filed February 14, 2000.

WHEREAS, CEPTYR, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of Delaware having a place of business at 22215 – 26<sup>th</sup> Avenue Southeast, Bothell, Washington 98021, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United

States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

4-27-01

Date

Andrew J. Flint

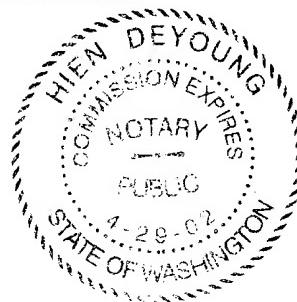
Andrew J. Flint

State of Washington)

ss.

County of Snohomish)

I certify that I know or have satisfactory evidence that Andrew J. Flint is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated 4/27/01

Signature of  
Notary Public

Hien DeYoung

Printed Name

Hien DeYoung

My appointment expires 4/29/02

Date

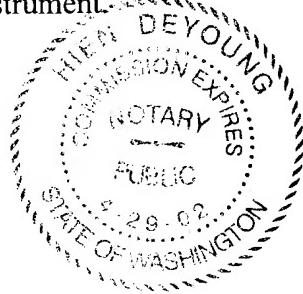
State of Washington)

Deborah E. Cool

County of Snohomish)

ss.

I certify that I know or have satisfactory evidence that Deborah E. Cool is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.



Dated 4/27/01

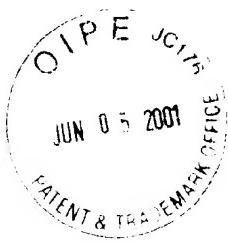
Signature of  
Notary Public

Hien DeYoung

Printed Name

Hien DeYoung

My appointment expires 4/29/02



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Andrew J. Flint and Deborah E. Cool  
 Application No. : 09/788,626  
 Filed : February 13 2001  
 For : IMPROVED ASSAY FOR PROTEIN TYROSINE  
 PHOSPHATASES

Docket No. : 200125.401

Box Missing Parts  
 Commissioner for Patents  
 Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints Richard W. Seed, Reg. No. 16,557; George C. Rondeau, Jr., Reg. No. 28,893; David H. Deits, Reg. No. 28,066; William O. Ferron, Jr., Reg. No. 30,633; Richard G. Sharkey, Reg. No. 32,629; David V. Carlson, Reg. No. 31,153; Karl R. Hermanns, Reg. No. 33,507; Michael J. Donohue, Reg. No. 35,859; Jane E. R. Potter, Reg. No. 33,332; Robert Iannucci, Reg. No. 33,514; Lorraine Linford, Reg. No. 35,939; David W. Parker, Reg. No. 37,414; E. Russell Tarleton, Reg. No. 31,800; Ellen M. Bierman, Reg. No. 38,079; Brian G. Bodine, Reg. No. 40,520; Robert M. Ward, Reg. No. 26,517; Frank Abramonte, Reg. No. 38,066; Kevin S. Costanza, Reg. No. 37,801; Thomas E. Loop, Reg. No. 42,810; Stephen J. Rosenman, Reg. No. 43,058; Brian L. Johnson, Reg. No. 40,033; Susan D. Betcher, Reg. No. 43,498; William T. Christiansen, Reg. No. 44,614; Eric J. Gash, Reg. No. 46,274; Jeffrey C. Pepe, Reg. No. 46,985; Charles J. Rupnick, Reg. No. 43,068; Timothy L. Boller, Reg. No. 47,435; and James M. Verna, Reg. No. 33,287; comprising the firm of Seed Intellectual Property Law Group PLLC, 701 Fifth Avenue, Suite 6300, Seattle, Washington 98104-7092, as its attorneys to prosecute this application and transact all business in the Patent

and Trademark Office connected therewith. Please direct all telephone calls to Stephen J. Rosenman, Ph.D., at (206) 622-4900 and telecopies to (206) 682-6031.

Please direct all communications to:

Stephen J. Rosenman, Esq.  
Seed Intellectual Property Law Group PLLC  
701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to CEPTYR, Inc., filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

CEPTYR, Inc.  
ASSIGNEE

April 30, 2001  
DATE

  
Deborah E. Cool, Ph.D.  
Vice President of Research

Enclosure:

Copy of Assignment

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(200125.401)